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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 09/894,620   | 06/28/2001  | Kazuhiro Matsubayashi | B422-163            | 6154             |
| 26272  | 7590        | 07/15/2004            | EXAMINER            |                  |
| ROBIN BLECKER & DALEY<br>2ND FLOOR<br>330 MADISON AVENUE<br>NEW YORK, NY 10017 |             |                       | DIEP, NHON THANH    |                  |
|  |             |                       | ART UNIT            | PAPER NUMBER     |
|  |             |                       | 2613                | 6                |

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/894,620

**Applicant(s)**

MATSUBAYASHI, KAZUHIRO

**Examiner**

Nhon T Diep

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sethuraman (US 6,563,549).

Sethuraman discloses an image processing apparatus comprising: input means for inputting a data train including moving image data composed of a plurality of frame (GOPs); designating means for designating an arbitrary frame among the moving image data (I, P or B frames); definition detecting means for detecting definitions of a plurality of frames in the moving image data (anchor frames = I or P frames = frame designation); similarity range detecting means for detecting from among the moving image data a range of successive frames indicating an image similar to that of the frame

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designated by the designated means (the length of each GOP, since all the frames in the GOP are similar and scene change indicates new GOP); selecting means for selecting one frame from the moving image data inputted by the input means based on an output of the definition detecting means and an output of the similarity range detecting means (selecting a first frame of each GOP as anchor frame = I frame = frame designation; col. 1, ln. 41-55 ) as specified in claims 1, 9-11 and 13 and for storing the selected frame in storing means, wherein the selecting means reads out and outputs the image data of one frame which is stored in the storing means in accordance with a designating operation of the designating means (storing anchor frames for further processing and decoding other frames in the GOP) as specified in claim 9; the selecting means selects the most definitional frame from a plurality of frames within the similarity range (I frame is the most definitional frame from a plurality of frames within the similarity range: GOP) as specified in claim 2; the definition detecting means detects the definition by using the moving image data (moving image data used to detect scene change or to detect I frame: the definition) as specified in claim 3; the data train includes additional information indicating the definitions of the plurality of frames, and the definition detecting means detects the definition based on the additional information in the data train which is inputted by the input means (header information of transport streams which comprises a plurality of GOPs, each GOP has header information to indicate I, P or B frames and the length of GOP) as specified in claim 4; the similarity range detecting means detects the similarity range by using moving image data; the data train includes additional information indicating scene change of the moving image

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data, and the similarity range detecting means detects the similarity range based on the additional information (scene change indicates the start of a new GOP or the end of the current GOP and that also indicates the length of GOP = the similarity range; col. 5, ln. 30-39 and header information of transport streams which comprises a plurality of GOPs, each GOP has header information to indicate I, P or B frames and the length of GOP) as specified in claims 5-6; the similarity range detecting means compares the image data of the designated frame with the image data of the plurality of frames in the moving image data, and detects the similarity range based on the comparison result (col. 8, ln. 22-28: comparing with I frame and col. 5, ln. 34-37: comparing with preceding frame) as specified in claim 7; the similarity range detecting means compares image of two adjacent frames in the moving image data, and detects the similarity range based on the comparison result (scene change indicates the start of a new GOP or the end of the current GOP and that also indicates the length of GOP = the similarity range col. 5, ln. 34-37) as specified in claim 8; the data train includes selecting candidate information (anchor frame designation) which is added to the predetermined frame, and the selecting means further selects the predetermined frame based on the selecting candidate information (select I frame as a beginning frame of a new GOP) as specified in claims 12-13.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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a. Lyons \*US 6,330,286) discloses a flow control, latency control and bitrate conversions in a timing correction and frame synchronization apparatus.

b. Takashima (US 5,754,233) discloses a compression encoding apparatus and recording apparatus for compression encoded data.

c. Tranchard (US 5,680,483) discloses a method and device for coding digital signals which are representative of a sequence of pictures.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
1 July 2004

  
NHON DIEP  
PRIMARY EXAMINER